

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

**WILLIAM H. BAER,**

**Petitioner, : Case No. 2:10-cv-1164**

**- vs - : District Judge George C. Smith  
WARDEN, GRAFTON : Magistrate Judge Michael R. Merz**

**CORRECTIONAL INSTITUTION :  
Respondent. :  
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**ORDER ADOPTING REPORT AND RECOMMENDATION**

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The Court has reviewed the Report and Recommendation of United States Magistrate Judge Michael R. Merz (Doc. #21), to whom this case was referred pursuant to 28 U.S.C. § 636(b), and noting that no objections have been filed thereto and time for filing such objections under Fed. R. Civ. P. 72(b) has expired, hereby ADOPTS said Report and Recommendation.

Accordingly, it is hereby ORDERED that the Petition is DISMISSED with prejudice. Petitioner is also DENIED a certificate of appealability and the Court hereby certifies to the United States Court of Appeals that an appeal would not be taken in objective good faith.

*s/ George C. Smith*  

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**GEORGE C. SMITH, JUDGE  
UNITED STATES DISTRICT COURT**